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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,397	06/28/2001	Claude Chapel	PF 980092	4292
7590	07/23/2009		EXAMINER	
Joseph S Tripoli Thomson Multimedia Licensing Inc CN 5312 Princeton, NJ 08543-0028				SHIBRU, HELEN
		ART UNIT	PAPER NUMBER	
		2621		
			MAIL DATE	DELIVERY MODE
			07/23/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* CLAUDE CHAPEL, SERGE DEFRAНCE and CHRISTOPHE  
VINCENT

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Application No. 09/869,397  
Technology Center 2600

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Mailed: July 23, 2009

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Before Quita Gould *Supervisory Paralegal Specialist*  
Gould, *Supervisory Paralegal Specialist.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 24, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Communication was mailed by the Examiner on January 3, 2008. This Communication states, in pertinent part, "the reply brief filed 09/20/2007 has been entered and considered."

A review of the file indicates either Appellant has not filed a Reply Brief in response to the Examiner's Answer mailed November 15, 2007, or that if a Reply Brief was filed by Appellant on that date, it is not contained in the Image File Wrapper (IFW).

Clarification from the Examiner is required to place the record in condition for appeal. If Appellant did not timely file a Reply Brief in response to Examiner's Answer, then the Communication mailed January 3, 2008, should be vacated.

**CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) clarify the record as described above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QSG/saw

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